UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,293	06/30/2004	Deborra J. Zukowski	F-822-O1	4292

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ART UNIT	PAPER NUMBER
2173	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/710,293	ZUKOWSKI ET AL.
	Examiner	Art Unit
	NICHOLAS S. ULRICH	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>17 March 2008</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16 and 18-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-16 and 18-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/17/2008</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-16 and 18-20 are pending.

2.   Claims 1, 2, 7, and 8 have been amended.

3.   Claim 17 is cancelled.

4.   The IDS submitted 3/17/2008 is considered by examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Watts et al. (US 6119186) in view of Cheung et al. (US

2004/0061716 A1).

In regard to **claim 1**, Watts discloses a method for processing a change of state

in a responsive environment comprising:

determining a type of response that the environment should provide in response

to the change of state *(Column 10 lines 4-11: a location change is determined)*;

defining response descriptions for the needed response instance in an

application model *(Fig 5b element 86c, Column 10 lines 16-21, and Column 7 line 47 -*

Column 8 line 13: based on the new location, a configuration is determined. This includes for example whether the new location is an airport or a conference room. Watts discusses changing a plurality of parameters associated with the computing device based on location);

storing the needed inputs in the response description *(Column 4 lines 54 Central Information Manager: discussed in this section is the use of a central information manager is charge of storing and routing all commands necessary to handle state changes in the system. When a state change is detected (location change) the CIM is responsible for storing all necessary messages related to the location change)*;

creating a new notification *(Fig 5b element 86d)*;

defining a new notification description in a notification model *(Column 10 lines 1-27: a location change is determined. A location change prompt is created)*;

associating the response descriptions within the new notification description *(Column 10 lines 1-27, Column 9 lines 61-65, Column 11 lines 64-66, and Column 12 lines 54-55: The user prompt will include information indicating the location change and any necessary programs that must be opened or altered. The user prompt must display particular information relating to the state change in order for the user to understand what they are accepting or rejecting)*;

then continuing processing in the first configuration until the at least one response is received from the user *(Column 10 lines 22-27: user must accept before the new configuration is loaded)*

Watts does not explicitly disclose providing the new notification to a notification manager, wherein the notification manager is configured to receive a plurality of new notifications for a user received over time and to receive response to the plurality of the new notifications from the user at the convenience of the user. Watts does discuss delivering the notification to a user but does not disclose using a notification manager to deliver notifications to the user.

However, Cheung discloses providing the new notification to a notification manager *(Paragraph 0027 lines 1-3)* and wherein the notification manager is configured to receive a plurality of new notifications for a user received over time and to receive response to the plurality of the new notifications from the user at the convenience of the user *(Paragraph 0004 lines 2-5, Fig 5A, Paragraph 0029 lines 1-10, and paragraph 0035 lines 1-10).* At the time of invention, it would have been obvious to one skilled in the art to combine the teachings of Cheung to Watts invention because one would be motivated to provide a notification manager in order to allow notifications to be viewed and managed by a user as desired. *(See Cheung paragraph 0004 lines 4-5).*

Cheung's invention is directed towards a central repository for managing a plurality of notifications from a plurality of systems. Watt's invention is a responsive environment system that detects and responds to changing environmental conditions. Watt's invention also provides notification to the user of a detected environmental change, allowing for the user to accept or reject the sensed change for the system. Since Watts provides notifications, and Cheung's invention handles notifications from a

plurality of systems, it is obvious that Cheung's invention can be combined with Watt's

invention, in order to provide the notifications of Watt's invention to the notification

repository of Cheung's invention.

In regard to **claim 2**, Watts discloses the response comprises launching an

application; and wherein the response received from the user includes needed input

data *(Column 12 lines 60-67and Column 9 lines 60-65)*.

In regard to **claim 3**, Watts discloses the response comprises effecting a further

change of state *(Column 9 lines 48-52: As best understood, the response could require*

waiting for or receiving information from another source before changing state or

environment, therefore the first response effects a further change in state when multiple

events need to occur for stimulating a state change).

In regard to **claim 4**, Watts discloses the response comprises launching an

application and effecting a further change of state *(Column 9 lines 48-65)*.

In regard to **claim 5**, Watts discloses determining if the response includes an

immediate response event and if the response includes an immediate response event,

initiating the immediate response event before providing the new notification to a

notification manager *(Column 11 lines 60-63 and Fig 8 element 118 and 120: once*

detected use in an airplane, before a prompt is sent to the user, unnecessary systems and software are disabled).

In regard to **claim 6,** Watts discloses the response comprises launching an application and the immediate response event comprises effecting a further change of state *(Column 11 lines 60-66).*

In regard to **claim 7**, Watts discloses a method for processing a response notification selection from a user in a responsive environment comprising:

and accessing the description for a notification object corresponding to the selection from a notification model *(Column 10 lines 1-27, Column 9 lines 61-65, Column 11 lines 64-66, and Column 12 lines 54-55: The user prompt will include information indicating the location change and any necessary programs that must be opened or altered. The user prompt must display particular information relating to the state change in order for the user to understand what they are accepting or rejecting)*;

retrieving the URI for a corresponding application *(Column 12 line 53; autolaunch list)*;

retrieving the description of the application *(Column 12 lines 52-54)*;

displaying information about the notification and application parameters to the user *(Column 12 lines 54-55)*;

and querying the user to allow the user the opportunity to accept or reject the notification *(Column 12 lines 54-55).*

and continuing processing in the first configuration until the user responds

(Column 10 lines 22-27: user must accept before the new configuration is loaded)

Watts fails to disclose reporting to the responsive environment that the user has

selected the response notification and a list including a plurality of notifications received

over time.

However, Cheung discloses user has selected the response notification

(Paragraph 0032 lines 3-4) and a list including a plurality of notifications received over

time *(Paragraph 0004 lines 2-5, Fig 5A, Paragraph 0029 lines 1-10, and paragraph

0035 lines 1-10)*.   At the time of invention, it would have been obvious to one skilled in

the art to combine the teachings of Cheung to Watts invention because one would be

motivated to provide a notification manager in order to allow notifications to be viewed

and managed by a user as desired. *(See Cheung paragraph 0004 lines 4-5)*.

In regard to **claim 8**, Watts discloses changing the environment context in

response to the selection and wherein the response received from the user includes

needed input data *(Column 10 lines 22-27 and Column 9 lines 60-65)*.

In regard to **claim 9**, Watts discloses changing the environment context in

response to the selection comprises notifying the initiator of the initial message *(Column

10 lines 1-30)*

In regard to **claim 10**, Watts discloses terminating processing of the response notification if the user rejects the response notification *(Fig 5b and Column 10 lines 24-25: if declined, no state change is made and resumes with Home configuration. There is no discussion of an attempt to try again at a later time)*

In regard to **claim 11**, Watts discloses terminating processing comprises terminating an application *(Fig 8 element 118: Disable software)*.

In regard to **claim 12**, Watts discloses querying the user to allow the user the opportunity to explicitly accept the notification *(Column 10 lines 25-27)*.

In regard to **claim 13**, Watts discloses if the notification is accepted, launching the application using the application parameters *(Column12 lines 54-55)*.

In regard to **claims 14, 15, and 16**, Watts discloses querying the user to allow the user the opportunity to accept the notification and to provide input to change the application parameters, creating new application parameters, and using new application parameters when launching application *(Column 6 lines 22-28)*.

In regard to **claim 18**, although Watts disclose a notification, they do not explicitly mention the use of a default implicit answer, using an expiration of a time out count,

results in a selection of the default implicit answer. It is notoriously well known in the state of the art, though, to implement notifications with a time out function for selection of a default implicit answer. The examiner takes OFICIAL NOTICE of this teaching. It would have been obvious to one of ordinary skill in the art, having the teachings of Watts before him, to modify the notification of Watts to include a time our function for selection of a default implicit answer, as made known in the art. For example, it well known in common operating systems, that when a reboot is required by the system, a notification is provided to the user which allows them to deny or comply with the reboot operation. If a user does not respond within a certain time out period, the system is rebooted. Therefore, a implicit answer is granted once no response has been received by the user during the time out period.

In regard to **claim 19**, while Watts teaches querying the user to allow the user the opportunity to explicitly accept the notification, they fail to show the permitting the user to further delay accepting or rejecting the notification as recited in the claims. Cheung teaches a notification repository that allows a user to delay accepting or rejecting a notification *(Paragraph 0009)*. It would have been obvious to one of ordinary skill in the art, having the teachings of Watts and Cheung before him at the time the invention was made, to modify the notification taught by Watts to include the snooze of Cheung, in order to allow the user to delay accepting or rejecting a notification. One would have been motivated to make such a combination because a user may want to act on a notification at a later time.

In regard to **claim 20**, while Watts teaches providing a notification, they fail to show the notification manager comprises displaying a non-intrusive icon in a window as recited in the claims. Cheung teaches displaying an icon to indicate notifications to the user *(Paragraph 0038)*. It would have been obvious to one of ordinary skill in the art, having the teachings of Watts and Cheung before him at the time the invention was made, to modify the notification taught by Watts to include the notification manager that displays a non-intrusive icon in a window of Cheung. One would have been motivated to make such a combination because a user may be performing an important task and does not want focus to change to a new notification, as taught by Cheung *(Paragraph 0030 lines 14-17)*.

Response to Arguments

6.   Applicant's arguments filed 3/17/2008 have been fully considered but they are not persuasive.

With regard to applicant's argument of the improper combination of Watts and Cheung references, the examiner disagrees.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does

not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

The mere fact that Watts' invention includes notifications to the user provides the motivation to combine with Cheung's invention. Cheung's invention is directed towards a central repository for managing a plurality of notifications from a plurality of systems. Watt's invention is a responsive environment system that detects and responds to changing environmental conditions. Watt's invention also provides notification to the user of a detected environmental change, allowing for the user to accept or reject the sensed change for the system. Since Watts provides notifications, and Cheung's invention handles notifications from a plurality of systems, it is obvious that Cheung's invention can be combined with Watt's invention, in order to provide the notifications of Watt's invention to the notification repository of Cheung's invention.

No where does Watts teach serial state change prompts in which the system waits for a prompt and sits in a single state loop until a response is received. The examiner interprets the states described by Watts to refer to the steps required to process a configuration change.

7.   With regard to applicant's arguments disputing statements of inherency.

The examiner has revised the previous rejections and removed all instances of inherency. However, the examiner still believes that Watts teaches every element of the independent claims except for the notification manager.

The present invention is directed towards a responsive environment sensor system with delayed activation. The basic idea is that sensors inform a computing device that state changes have incurred and require the computing system to perform some function based on the information sensed by the sensors. The present invention takes this a step further by incorporating delayed activation. So when the computing device determines that a function should be executed based on the information sensed by the sensor, the function is not executed until a response is received by the user. This is done by providing a notification to the user indicating what functions are trying to execute in the computing device.

Watts invention clearly behaves in the same manner. Computing device configurations are loaded based on information sensed by sensors. Once a new configuration is identified to be loaded, the user is prompted (notification) whether or not to accept the change in configuration. Therefore, Watts teaches delayed activation by prompting the user for acceptance of the change in configuration.

8.   In regard to applicants argument that the cited references do not alone or in proper combination teach or suggest "wherein the notification manager is configured to receive a plurality of new notifications for a user received over time and to receive response to the plurality of the new notifications from the user at the convenience of the user", the examiner disagrees. The examiner would like to direct applicants attention to Cheung paragraph 0004 lines 2-5. Discussed in this passage is a central repository to receive and store notifications so they can be viewed and managed by user as desired.

Therefore, the central repository receives a plurality of notifications and allows a user to manage the notifications when desired.

9.   In regard to applicants argument that the cited references do not alone or in proper combination teach or suggest "continuing processing in the first configuration until the user responds", the examiner disagrees. The examiner would like to direct applicants attention to Watts column 10 lines 22-27. Discussed in this passage is a prompt presented to the user for accepting computer configuration change. The passage states that the user must accept the changes for the new configuration to be loaded. Therefore the first configuration will remain until the user accepts the configuration change.

10.   In regard to applicants argument that the cited references do not alone or in proper combination teach or suggest "receiving data input from the user in response to the notification", the examiner disagrees. Watts column 9 lines 61-65 teaches prompting the user if additional resources will be needed. Therefore the user must provide some input to the prompt to indicate additional resources required for the configuration change.

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Conclusion

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to NICHOLAS S. ULRICH whose telephone number is

(571)270-1397. The examiner can normally be reached on M-TH 9:00 - 5:00 EST.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dennis Chow can be reached on (571)272-7767. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

                                                        /Tadesse Hailu/
                                                        Primary Examiner, Art Unit 2173

Nicholas Ulrich
5/27/2008
2173